

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

AMY WARREN and IESHA CONLEY,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

-against-

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

Case No.: 1:19-cv-06448-RPK-CLP

ORAL ARGUMENT REQUESTED

**NOTICE OF MOTION TO DISMISS**  
**PLAINTIFFS' FIRST AMENDED COMPLAINT**

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*Attorneys for Defendant Whole Foods  
Market Group, Inc.*

**PLEASE TAKE NOTICE** that Defendant Whole Foods Market Group, Inc. (“WFM Group”), by its undersigned counsel, hereby moves before the Honorable Rachel P. Kovner, United States District Judge, Eastern District of New York, at a date and time to be determined by the Court, in Courtroom 4E-N of the United States Courthouse, located at 225 Cadman Plaza East, Brooklyn, New York 11201, for an order dismissing Plaintiffs’ First Amended Complaint (“FAC”) in its entirety with prejudice, pursuant to Federal Rule of Civil Procedure Rule 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that WFM Group’s Motion to Dismiss is based on this Notice of Motion and Motion, the accompanying Memorandum of Law and Request for Judicial Notice, all pleadings and papers on file in this action, and upon such further testimony, evidence and argument as the Court may allow at the time of the hearing.

Dated: November 5, 2020

Respectfully submitted,

/s/ **Brian R. Blackman**

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*Attorney for Defendant Whole Foods Market Group, Inc*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2020, I caused a copy of the foregoing Notice of Motion to Dismiss Plaintiff's First Amended Complaint to be served on the following counsel via ECF:

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